

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CARLOS WILLIAMS,

Plaintiff,

Case No. 05-70432

v.

District Judge Paul D. Borman  
Magistrate Judge R. Steven Whalen

CORRECTIONS OFFICER  
DEBORAH A. RIES, INSPECTOR  
CYNTHIA M. ACKER, RESIDENT  
UNIT MANAGERS TERRI HUFFMAN,  
and PENNY LANDRUM, GREIVANCE  
COORDINATOR LARRY McMILLIAN,  
and WARDEN SHERRY L. BURT,

Defendants.

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**ORDER**

Before the Court is Plaintiff's Motion to Compel Production of Documents and to Extend Time to Respond to Summary Judgment Motion [Docket #28].

On February 8, 2006, the undersigned filed a Report and Recommendation that Plaintiff's Complaint be dismissed for failure to exhaust administrative remedies as required by 42 U.S.C. §1997e(a). Assuming that the District Judge adopts the Report and Recommendation, the case will be dismissed, obviating the need for discovery. Nor is discovery necessary for the Court to determine whether the claims are exhausted. Accordingly, the Motion to Compel will be DENIED.

Further, the Court had the benefit of reviewing Plaintiff's Declaration in Opposition

to Motion for Summary Judgment [Docket #33]. Therefore, Plaintiff's Motion to Extend Time is DISMISSED AS MOOT.

SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: February 15, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on February 15, 2006.

s/Gina Wilson  
Judicial Assistant